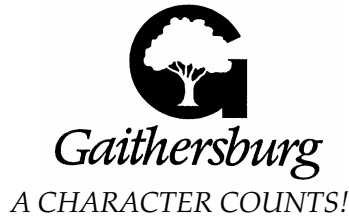


**DRAFT**



CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
JUNE 19, 2006

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A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Marraffa, Schlichting (arrived 7:37 p.m.) and Sesma. Council Members Absent: Edens. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Information and Technology Director Cottrell, Police Chief Viverette, Captain Bonvillain, Officers Woodard, Lumsden, Santos, Salgado, McCarty and Quinlan, Parks, Recreation and Culture Director McGleish, Leisure Services Program Director McGuire, Engineering Services Director Mumpower, Office Manager Bohnenblust, Planners Marsh, Patula, and Seiden, City Attorney Borten and Administrative Assistant Stokes.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by Rodney Stewart, Gaithersburg, Maryland.

**II. INVOCATION**

The invocation was led by the Reverend Dr. Anne Stewart, InterFaith Counseling Services.

**III. APPROVAL OF MINUTES**

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the minutes of the Mayor and Council meeting held June 5, 2006, be approved.

Vote: 3-0

**IV. CONSENT ITEMS**

- 1. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract With D&F Construction Company, Inc. for the Installation of Six (6) Raised Crosswalks/Speed Humps along Main Street**

This resolution authorized the City Manager to enter into a contract for the above service with D&F Construction Company, Inc., 4017 Penn-Belt Place, Forestville, Maryland 20747, in the estimated amount of Thirty Thousand Dollars (\$30,000); said funds to be expended from the Capital Improvements Budget.

- 2. Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Catering Services at the Gaithersburg Upcounty Senior Center**

This resolution authorized the City Manager to award a contract for the above service to Moulin Rouge Caterers, Inc., 80 A Bureau Drive, Gaithersburg, Maryland, in an amount not to exceed Fifty-Eight Thousand Four Hundred Dollars (\$58,400); said funds to be expended from the Operating Budget.

3. **Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Counseling Services for the Gaithersburg Upcounty Senior Center**

This resolution authorized the City Manager to award a contract for the above service to Child Center and Adult Services, Inc., 16220 South Frederick Avenue, Suite 502, Gaithersburg, Maryland 20877, in the amount of Forty-Five Thousand Seven Hundred Twenty Dollars (\$45,720); said funds to be expended from the Operating Budget.

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that the Consent Agenda (Resolution Nos. R-58-06 through R-60-06), be approved.

Vote: 3-0

V. **PRESENTATIONS**

1. **Fourth Quarter Employee Recognition Awards**

City Manager Humpton along with Mayor Katz recognized the following winners of the Employee Recognition Awards for the Fourth Quarter, March 1, 2006 – May 31, 2006:

**Barbara Bohnenblust, Public Works, Parks Maintenance & Engineering**, was nominated for excellent work on an ongoing basis. Office Manager Bohnenblust handles and assists with various tasks at Public Works. Recently she assisted the City's Information Technology Department in the development of a software program for recording employee time. The program was well planned, user friendly and well received by all the teams. Her dedication is displayed not only during normal working hours but also while volunteering at various City events. She is commended for her professionalism, dedication, creativity, good work ethic, organizational skills and unselfishness.

**The Santa's Little Helpers Team, Police Department & Parks, Recreation, and Culture - (Denise Woodard, Dwight Lumsden, Doug Santos, Isabel Salgado [not present], Dan McCarthy, Beth Quinlan (Police), and Recreation Program Supervisor Sarah Messier [not present])**, were nominated for excellent work on an one-time project. During the Christmas holiday, a call was received for child neglect in the City. When officers arrived, they found a six and eight year old child at home without parental supervision. During the course of their investigation, it was determined that the mother was having severe financial difficulties, finding it necessary to occasionally leave the children home alone. The above Team gathered bags of clothing, toys, decorations, and a Christmas tree for the family. Two days prior to Christmas, the team went to the family's residence delivering the gifts and the family's very first Christmas tree. The Team is commended for a great job assisting a family in need and spreading joy during the Christmas season.

2. **Introduction of Captain Chris Bonvillain, Commander of the Special Operations Bureau**

Police Chief Viverette announced that effective May 12, 2006, Police Lieutenant Chris Bonvillain was promoted to the rank of Captain. Captain Bonvillain was promoted as a result of the City's reclassification study as well as the numerous duties he has taken on in recent years.

**3. Update on the Day Laborer Center**

City Manager Humpton reported that staff has been working daily to bring closure to the search for a potential day laborer center site. He stated that several promising locations have been eliminated due to the owners not wanting a center on their property and negative responses from various agencies. He reported that staff met with county staff to tour a potential site; however, City staff is still evaluating whether or not the site can be recommended for consideration. An update from staff will be given at the next regular meeting of the Mayor and City Council on July 10, 2006.

Mayor Katz asked staff to have alternative suggestions for the City Council to discuss at the next meeting, if a day laborer center site is not found.

**VI. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS****Council Member Sesma**

1. Wished all a Happy Juneteenth Day, also known as Freedom Day or Emancipation Day, an annual holiday celebrated in the United States of America to commemorate the ending of slavery. Today, Juneteenth celebrates not only freedom, but education, self-improvement and the many accomplishments and contributions made throughout history.
2. Congratulated the graduating high school seniors in the Gaithersburg area.
3. Received complaints from several of the remaining West Deer Park residents regarding their utilities. He stated that the owner has not lived up to the maintenance terms in the relocation agreement with the City. He asked staff to assist the existing tenants with their complaints and suggested developing a policy to prevent this from happening with future relocation projects.
4. Referred to the City's draft Adequate Public Facilities Ordinance and emphasized the importance of developing an adequate school test.

**Council Member Marraffa**

1. Congratulated Captain Bonvillain on his recent promotion.
2. Announced free performances of "The Two Gentlemen of Verona," presented by the Maryland Shakespeare Festival scheduled for Friday, June 23 and Saturday, June 24, 2006 at 8 p.m., City Hall Concert Pavilion. For additional information and a complete listing of free outdoor entertainment in Gaithersburg this summer, visit the City's website at [www.gaithersburgmd.gov/onstage](http://www.gaithersburgmd.gov/onstage) or call 301-258-6350.

**Council Member Alster**

1. Read a revised announcement from a previous meeting reporting that a closed executive session was held by the Mayor and City Council on Tuesday, May 30, 2006 at approximately 9:45 p.m., to discuss a property acquisition matter. The topic discussed was whether the City should participate with other governmental entities in exercising the right of first refusal to acquire a rental apartment community that is under contract to be sold pursuant to Chapter 53A of the County Code. Present at the meeting were Mayor Katz, Council Vice President Schlichting, Council Members Alster, Edens, Marraffa, Sesma (via teleconference), and City staff. The closed session was adjourned at approximately 10:30 p.m.
2. Echoed congratulations to Captain Chris Bonvillain.
3. Reported that the Friends of Wells/Robertson House held their annual meeting on June 13, 2006 and kicked-off their scholarship program to assist residents with funding for continuing education. He further reported that the City was presented with a grant to help with improvements to the

house.

4. Attended the National League of Cities Information, Technology and Communications Policy Committee meeting. He announced that the U.S. House of Representatives approved a bill (telecommunication laws) that would take away the authority of local government to franchise their public right-of-ways for video and cable service to its citizens. He stated that the Senate is still conducting discussions. He expressed concern with local municipalities losing said authority and the Federal Communications Commission overseeing all local rights-of-way management practices and handling customer service issues. Also discussed was the Communications Assistance for Law Enforcement Act (CALEA) and several committee members visited an emergency operation center and spoke with management on the communication problems encountered during Hurricane Wilma.

#### **Council Vice President Schlichting**

Requested the following motion for a closed executive session to be held by the City Council immediately following the Monday, June 19, 2006 meeting, to obtain legal advice from City Counsel and seek guidance from the City Council. The topics to be discussed are legal issues associated with potential redevelopment.

Motion was made by Council Member Sesma, seconded by Council Member Alster, that the City Council conduct a closed executive session on June 19, 2006, as stated above.

Vote: 4-0

Mayor Katz explained that because of a potential conflict, he did not request the motion and will not be in attendance for the closed session. Council Vice President Schlichting will conduct the closed executive session.

#### **Mayor Katz**

1. Announced that the Mayor and City Council plan to conduct a closed executive session on Thursday, June 22, 2006, immediately following a special meeting to obtain legal advice from City Counsel. The topics to be discussed are legal issues regarding the Crown Farm Annexation Agreement.
2. Reported that the final interview was conducted for an alternate member for the Board of Appeals. He stated that nominations will be made during the month of July to the City Council for alternate members for both the Board of Appeals and Planning Commission.
3. Reported he attended the retirement reception for Delegate Mike Gordon on June 8, 2006. The event was hosted by the Cities of Gaithersburg and Rockville and the Town of Garrett Park.
4. Announced the Mayor and City Council will not conduct a work session on Monday, June 26, 2006, nor a regular meeting on Monday, July 3, 2006 due to the 4<sup>th</sup> of July holiday. He further announced that regular meetings of the Mayor and City Council will be held on Monday, June 10 and 17, 2006.

#### **VII. FROM THE CITY MANAGER**

1. Responded to Council Member Sesma regarding the lack of hot water at the West Deer Park Apartments. He stated that City staff has been working with the apartment management to deal with the issues and he will keep the City Council updated on getting the situation resolved.
2. Stated that staff will provide the Mayor and City Council with a school test for the Adequate Public Facilities Ordinance in the next few weeks and a work session will be scheduled to discuss and

receive direction. He thanked City staff (Felton, Ossont, Mumpower, and Borten) for their efforts in preparing the draft ordinance.

3. Referred to a memorandum from staff requesting that the Mayor and City Council vote to close their record on Text Amendments T-375 (I-3 Zone) and T-376 (MXD Zone).

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that the Mayor and City Council record on T-375, be closed as of June 30, 2006, 5 p.m.

Vote: 4-0

Motion was made by Council Member Sesma, seconded by, Council Member Schlichting, that the Mayor and City Council record on T-376, be closed as of June 30, 2006, 5 p.m.

Vote: 4-0

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RECESSED THE MAYOR AND COUNCIL MEETING AT 8 P.M.  
AND RECONVENED AT 8:04 P.M.

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## **VIII. ORDINANCES AND RESOLUTIONS**

### **1. Resolution for the Community Use of Public Facilities and Bus Transportation**

This resolution approves the summer program services provided by Montgomery County Public Schools for FY '07 in the amount of One Hundred Eight Thousand Nine Hundred Ninety Dollars (\$108,990), for use of school facilities and services and Forty-One Thousand Dollars (\$41,000), for bus transportation; said funds to be expended from the Operating Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND THE CITY COUNCIL APPROVING SERVICES PROVIDED BY MONTGOMERY COUNTY PUBLIC SCHOOLS FOR THE COMMUNITY USE OF PUBLIC FACILITIES AND BUS TRANSPORTATION (Resolution No. R-61-06), be approved.

Vote: 4-0

### **2. Resolution Approving a Community Legacy Project in Olde Towne Gaithersburg, Maryland**

The City of Gaithersburg has applied for grant funding under the FY '07 Community Legacy Program for a project that promotes Smart Growth initiatives in locally designated Community Legacy Areas. This program is administered by the Maryland Department of Housing and Community Development and provides a flexible source of funding in support of local revitalization efforts. This resolution approving the project is a required component of the application.

Motion was made by Council Member Schlichting, seconded by, Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL APPROVING A COMMUNITY LEGACY PROJECT IN OLDE TOWNE GAITHERSBURG, MARYLAND TO BE FINANCED EITHER DIRECTLY BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OF THE STATE OF MARYLAND OR THROUGH OTHER DEPARTMENTS OR AGENCIES OF THE STATE OF MARYLAND (Resolution No. R-62-06), be approved.

Vote: 4-0

### **3. Resolution to Purchase Desktop Computer and Video Displays**

Information Technology Director Cottrell stated that a majority of the City's desktop computers are due or past due for replacement; with a planned three year life-cycle, most systems are into their fourth and fifth years of service. He further stated that many of the video displays for City desktops, which have no defined life-cycle, are five or more years old and have small screens of poor quality.

The City will use an existing State of Maryland contract (DBM 2020 Desktop Contract) to purchase the desktop computers and video displays. This resolution authorizes the City Manager to award a contract to purchase Dell desktop computers and video displays from Data Networks, 309 International Circle, Suite 120, Hunt valley, Maryland 21030, in an amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000); said funds to be expended from the Operating Budget. Council Member Alster asked that youth groups and other social services within the City be considered as computer replacements occur.

Motion was made by Council Member Alster, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE DESKTOP COMPUTER AND VIDEO DISPLAYS (Resolution No. R-63-06), be approved.

Vote: 4-0

### **4. Resolution Awarding Matching Grants**

This resolution authorized the City Manager to award matching grants to the Lakelands Community Association to create a sitting park (\$5,000), and to the Saybrooke Homeowners Association for lighting (\$5,000). Grants will be awarded upon determining that the projects are completed as proposed in the total amount of Ten Thousand Dollars (\$10,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING MATCHING GRANTS TO THE LAKELANDS COMMUNITY ASSOCIATION AND THE SAYBROOKE HOMEOWNERS ASSOCIATION (Resolution No. R-64-06), be approved.

Vote: 4-0

## **IX. POLICY DISCUSSION**

### **CASEY EAST PLAN – Z-301 and SDP-05-003**

Planner Seiden stated that the policy discussion for the one piece of property will be concurrent for the two applications with final action taken separately for each. She oriented the Mayor and City Council with the Casey East property and its surrounding properties and stated that the applications were submitted by Pete Henry of BP Realty Investments in May 2005. She further stated that the a consolidated joint public hearing was held by the Mayor and City Council for the applications on June 20, 2005, followed by a joint work session on January 9, 2006, discussion item at the March 20, 2006 Mayor and City Council meeting and another joint work session on April 26, 2006. The Planning Commission's record closed on May 10, 2006, and a recommendation for approval was made at their June 7, 2006 meeting for both Z-301 with 8 conditions, and SDP-05-003 with 29 conditions. Planner Seiden added that since the Planning Commission's meeting, conditions #2 and #6 were modified for approval. The Mayor and City Council record on both applications closed on June 14, 2006.

Planning Commission Chair Bauer highlighted various components of the plan that supports the Commission's recommendation for approval. He stated that SDP-05-003 does support the themes in the City's Master Plan with the exception of the traffic impact on the Maryland Route 355 and Montgomery Village intersection. He stated that overall; the Commission recommended approval because the plan is consistent with the City's long range planning and Strategic Directions. He added that the Commission endorses multi-family housing, but stated that townhouse building types were not compatible with the proposed urban design.

Mayor Katz noted that as part of the SDP approval, the applicant will have to enter into an Agreement of Dedication requiring the applicant to place into reservation for dedication, portions of property for the Watkins Mill Interchange and Extended, the Montgomery County 6<sup>th</sup> District Police Station and the City's new Senior Center. He questioned condition #7 and staff suggested the following revised language: Applicant is to work with the City and Montgomery County Transportation to develop, fund in the amount of \$500,000 and implement a Transportation Demand Management Plan to mitigate the effects of the proposed development on surrounding intersections. The revision will apply to both the SDP and the rezoning.

Several City Council Members commended the Planning Commission and staff for addressing the issues raised by the Mayor and City Council and expressed support for the proposed plan.

1. **Z-301 – An Ordinance to Rezone 40.10 Acres of Land Currently Known as Parcels 360, 563 and N455, Located East of 270 and Northwest of the Maryland Route 355/Watkins Mill Road Intersection in the City of Gaithersburg, Maryland, From the Existing I-3 (Industrial Office Park) Zone to the MXD (Mixed Use Development) Zone in Accordance With § 24-10A (Floating Zones) of the City Code**

Motion was made by Council Member Schlichting, seconded by Council Member Sesma, that Z-301 be approved, with the discussed revisions above.

Vote: 4-0

2. **SDP-05-003 – Resolution of the Mayor and City Council of Gaithersburg Granting Approval of Schematic Development Plan, Known as Casey East Property, for a Mix of Uses That Include 382 Residential Units, Office, Restaurant, Retail, Service Station, and Public Uses. The Property is Located Northwest of the Maryland Route 355/Watkins Mill Road Intersection, Gaithersburg, Maryland**

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that SDP-05-003 be approved, with the discussed revisions above.

Vote: 4-0

X. **ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:35 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Administrative Assistant